



CHRISTINE A. COFONE, PP, AICP  
*Principal*

**COFONE CONSULTING GROUP, LLC**

December 9, 2021

Ms. Candace Mitchell  
Planning Board Secretary  
Borough of Sea Bright Unified Planning Board  
1099 Ocean Avenue  
Sea Bright, NJ 07760

RE: **Ivan Wanat Martin**  
**Second Technical Review**  
**Block 16, Lot 14**  
**3 Badminton Court**  
**R-3 Zone**  
**Application No. 2021-08**

Dear Ms. Mitchell:

This is our **Second Technical Review**.

In the subject application, the Applicant is seeking "D" Special Reasons Use Variances to utilize a property for the storage of dry goods, chairs, and other miscellaneous items for use by Anjelica's Restaurant. The subject site, known as Block 16, Lot 14, is located at 3 Badminton Court and is within the R-3 Downtown Residence Zone.

As part of our analysis, we undertook the following tasks:

- Inspection of the subject premises;
- Survey of surrounding land uses; and,
- Review of the Borough's Master Plan and Zoning Ordinance.

We also reviewed the following application submissions:

- Filed application;
- Zoning permit denial, dated 1/29/20;
- Survey of Property for Block 16, Lot 14 prepared Charles Surmonte, PE, PLS, dated 9/24/18, consisting of one (1) sheet; and,
- **(NEW)** Minor Site Plan for Block 16, Lot 14 prepared by Andrew R. Stockton, PE, PLS, dated 11/11/21, consisting of one (1) sheet.

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We offer the following analysis and comments for your consideration.

### **Description of Site and Summary of Development Proposal**

The subject site, known as Block 16, Lot 14, is located at 3 Badminton Court and within the R-3 Downtown Residence Zone.

**(NEW)** The Minor Site Plan indicates that the Applicant proposes to rent the site to Anjelica's Restaurant for storage purposes. The Applicant states that the intended internal storage within an existing 1-story building and an existing shed includes dry goods, chairs, or other miscellaneous equipment. The Applicant also proposes an outdoor storage area, enclosed with a new 5-foot chain-link fence (existing wood fence to be removed) for propane space heaters when not in use by the restaurant. Further, the Minor Site Plan indicates that there will not be "refrigerator or freezer storage," nor does the Application include "mixed use or partial use as residential living space."

The Minor Site Plan also details a "main access route" and a "alternate access route" between the storage area and the restaurant, both utilizing an existing concrete but separate 10-foot wide alleys leading to the existing concrete sidewalk along Ocean Avenue.

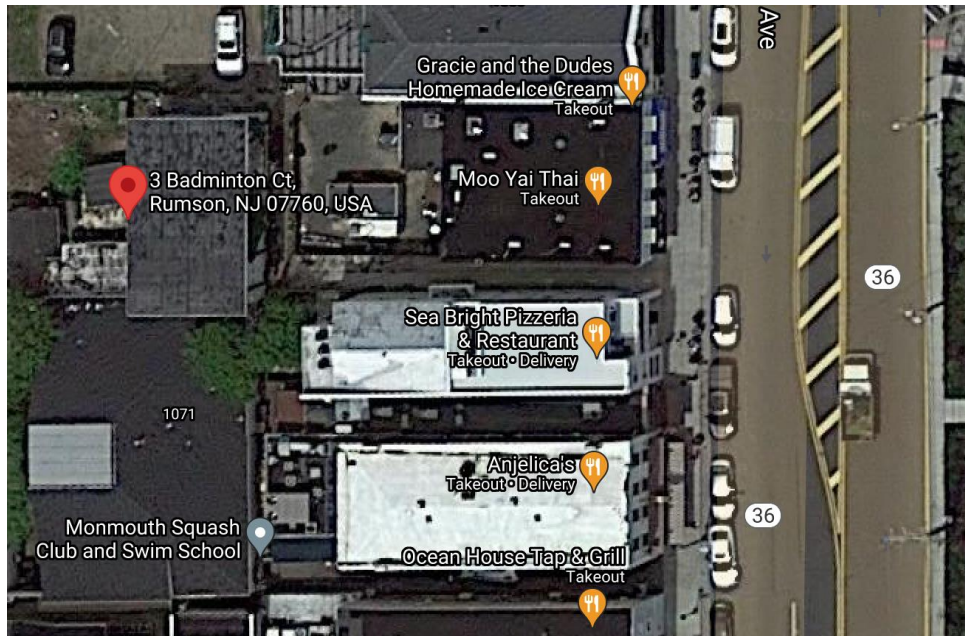
### **Surrounding Land Uses**

The site is located south of Peninsula Avenue and west of Ocean Avenue. The site is depicted in the aerial image below.



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### **Zoning Compliance**

The site is located in the R-3 Downtown Residence Zone. The following variances are required:

- Section 130.49.C(2.1)(a): The R-3 Zone permits storage as an accessory use in connection with single-family residential.
  - A Special Reasons Use Variance is required since the proposed storage is intended to serve an off-site use.

### **Master Plan Review**

The 2020 Sea Bright Recovery Plan, issued in December 2013 after Superstorm Sandy more than a year before, noted that the Borough suffered a decline in economic vitality due to the storm and cited the need to “draw residents and visitors alike to shop, eat, drink, and spend time enjoying the area.” (Page 32)

### **Planning Analysis and Issues for Consideration by the Board**

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In regard to the “d(1)” variances, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70.d sets forth the standards for variances from the use regulations of a zoning ordinance. A “d(1)” variance is required when an applicant submits an application for a use that is not permitted in the list of permitted uses within a specific zoning district. The applicant must satisfy the *Medici* proofs:

- Is the site particularly suited for the proposed use?
- Does the proposed use advance special reasons and further the purposes of the Municipal Land Use Law (MLUL)?
- Does the proposal substantially impair the purpose and intent of the master plan, zone plan, and zoning ordinance? Does the proposal satisfy the enhanced quality of proof that the variance sought is not inconsistent with the intent of the master plan and zoning ordinance, proof which must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the district?

We offer the following for your consideration in reviewing the Application:

- 1) Any comments from the First Technical Review that have not been addressed by the Applicant shall be addressed at the public hearing.
- 2) The Applicant shall discuss the proposed main and alternate access routes between the site and the restaurant. We defer to the Board Attorney relative to the legality of utilizing the access from the site and through the walkways to the rear of the properties fronting on Ocean Avenue and alleys connecting with Ocean Avenue.
- 3) The Applicant shall provide testimony relative to the safety of the propane space heater storage. We defer to the municipal Fire Official on any technical comments on the same.
- 4) The Applicant shall discuss the frequency of site access. In particular, will there be illumination on the site if access is to occur at low-lighting or nighttime hours? Is there adequate lighting on the accessways to the restaurant?
- 5) Other than the chain-link fencing around the outdoor storage area, will there be any other types of security, such as surveillance cameras? Has the Applicant considered any beautification of the property?

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We would be happy to address any questions or comments on the above at the public hearing.

Respectfully submitted,

Christine A. Nazzaro-Cofone, AICP, PP  
Sea Bright Consulting Planner

cc: Board Attorney  
Applicant and professionals